



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,859	03/10/2004	Gregory P. Frankiewicz	2509	3717

7617 7590 10/19/2006

BRUZGA & ASSOCIATES
11 BROADWAY, SUITE 715
NEW YORK, NY 10004

EXAMINER

PENG, CHARLIE YU

ART UNIT	PAPER NUMBER
----------	--------------

2883

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/797,859	Applicant(s) FRANKIEWICZ ET AL.	
	Examiner Charlie Peng	Art Unit 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
4a) Of the above claim(s) 36-51 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-35 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see page 1 of remarks, filed 03 February 2006, with respect to the rejection(s) of claim(s) 1-35 under 35 U.S.C 103 in view of the Yin reference have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of new reference by Kim II.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,969,897 to Kim II. Referring to Fig. 1 and its description, Kim teaches an optoelectronic device employing fibers for light collection and emission comprising a substrate 12, fibers 18 fixed on the substrate 12 via an adhesive layer 14, wherein the substrate 12 surface may have an antireflective coating (col. 6, lines 47-50) and the fibers 18 may comprise an electroluminescent polymer. (Col. 8, lines 6-18) Although Kim does not discuss the percentage of light transmitted by the antireflective coating, it is well known in the art antireflective coating is applied to optical elements to increase light transmitted and decrease light reflected. For example, U.S. Patent 4,535,026 to

Art Unit: 2883

Yoldas et al. teaches an applied antireflective coating that allows more than 99% of optical transmission. It would have been obvious to one of ordinary skill in the art at the time the invention was made to increase the amount of optical transmission, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. In re Aller, 105 USPQ 233. The motivation would be to allow optimum or maximum amount of light to be coupled between the fiber/substrate interface.

Claims 4-15 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim. Kim teaches all the structural limitations of the invention including an optical fiber and a substrate with AR coating adhered thereon except for a particular material for the adhesive. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select any of the materials capable of adhesion function, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of necessary choice. In re Leshin, 125 USPQ 416. The motivation would be to adhere the substrate and the optical fiber more securely, with better durability, with cheaper materials, etc.

Claims 16-30 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim. Kim teaches all the structural limitations of the invention including an optical fiber and a substrate with AR coating adhered thereon except for a particular material for the substrate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select any of the materials capable

Art Unit: 2883

of light transmission function, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of necessary choice. In re Leshin, 125 USPQ 416. The motivation would be to use a high transmission materials that is cheaper, has better durability, etc.

Claims 16-30, 32, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim. Kim teaches all the structural limitations of the invention including an optical fiber and a substrate with AR coating adhered thereon except for a particular material for the substrate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select any of the materials capable of light transmission function, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of necessary choice. In re Leshin, 125 USPQ 416. The motivation would be to use a high transmission materials that is readily available, cheaper, has better durability, etc.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlie Peng whose telephone number is (571) 272-2177. The examiner can normally be reached on 9 am - 6 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2883

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cyp



Frank G. Font
Supervisory Patent Examiner
Technology Center 2800